

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Adam Hershman, et al.,

Plaintiffs

v.

Full Spectrum Laser LLC,

Defendant

Case No. 2:21-cv-02245-CDS-BNW

**Notice Regarding Intent to
Dismiss Under Local Rule 41-1**

Plaintiffs Adam Hershman and Sumit Singh commenced this action against defendant Full Spectrum Laser LLC under the Fair Labor Standards Act ("FLSA") in December of 2021. Compl., ECF No. 1. The plaintiffs' motion to conditionally certify an FLSA collective action was granted (ECF No. 21) and they were ordered to begin the notice procedure (ECF No. 23). Although the plaintiffs filed a consent to join Dayna Perry as a party to the collective action on April 26, 2023 (ECF No. 27), there has been no activity in this matter since.

This district's Local Rules provide for dismissal of an action for want of prosecution:

All civil actions that have been pending in this Court for more than 270 days without any proceeding of record having been taken may, after notice, be dismissed for want of prosecution by the court sua sponte or on the motion of an attorney or pro se party.

LR 41-1. Further, it is within the inherent power and discretion of the court to sua sponte dismiss a civil case for lack of prosecution. Fed. R. Civ. P. 41(b). A plaintiff must prosecute their case with "reasonable diligence" to avoid dismissal pursuant to Rule 41(b). *Anderson v. Air West, Inc.*, 542 F.2d 522, 524 (9th Cir. 1976). Here, because this case has laid dormant for almost two years, the plaintiffs have failed to prosecute with reasonable diligence. Thus, this order serves as notice that the complaint will be dismissed without prejudice and without further notice unless the plaintiffs take action by February 26, 2025.

Dated: February 5, 2025


Cristina D. Silva
United States District Judge